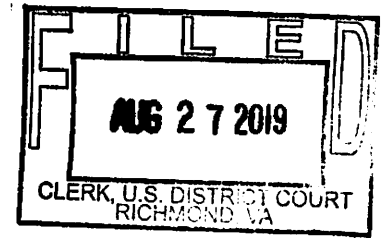


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



TEVIN J. BREVARD,

Plaintiff,

v.

Civil Action No. **3:19CV26**

NURSE DESOUZA,

Defendant.

MEMORANDUM OPINION

Plaintiff, a federal inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983).

By Memorandum Order entered on May 23, 2019, the Court directed Plaintiff to file a particularized complaint within fourteen (14) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. By Memorandum Order entered on June 17, 2019, the Court granted Plaintiff an extension of thirty (30) days in which to file a particularized complaint. On July 9, 2019, the Court received a second request for an unspecified extension of time. (ECF No. 15.) Plaintiff indicated that he had not been allowed to go to the law library. (*Id.* at 1.) Plaintiff failed to explain why he required the law library to file a particularized complaint other than noting that he needed to use the typewriter. (*Id.*) The Court explained that Plaintiff may hand write his particularized complaint. Nevertheless, the Court granted Plaintiff a second extension of time of thirty (30) days in which to file a particularized complaint. The Court explained that no further extensions would be provided.

More than thirty (30) days have elapsed since the entry of the July 10, 2019 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the July 10, 2019 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order will accompany this Memorandum Opinion.

Date: 26 August 2019
Richmond, Virginia

/s/
John A. Gibney, Jr.
United States District Judge